IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8918 OF 2004

Maj. Gen. S. C.N. Jatar (Retd.)
The President of Nagrik Chetna Manch
A non-political organization
represented by president ..Petitioner.

Vs.

State of Maharashtra & Ors. ..
Respondents.

....

Mr. Vishal Mehta i/b M/s. H.S. Dalla & Associates for the petitioner.
Mr. N.P. Deshpande, AGP for respondent No.1.
Mr. R.G. Ketkar for respondent Nos.2 and 3.
Mr. R.S. Apte i/b Mr. M.S. Lagu for respondent No.4.

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CORAM : DALVEER BHANDARI, C.J.&
DR.D.Y.CHANDRACHUD, J.

22nd December, 2004.

P.C. :

This petition which is filed as a public interest litigation seeks to question several appointments made to posts in the Pune Municipal Corporation. We are of the view that a public interest litigation in service matters cannot be entertained in view of the judgment of the Supreme Court in **Ashok Kumar Pandey v. State of West Bengal** (AIR 2004 SC 280). The Supreme Court held

thus :

> "Though the parameters of public interest litigation have been indicated by this Court in large number of cases, yet unmindful of the real intentions and objectives, Courts are entertaining such petitions and wasting valuable judicial time which, as noted above, could be otherwise utilized for disposal of genuine cases. Though in Dr. Duryodhan Sahu v. Jitendra Kumar Mishra and others (AIR 1999 SC 114), this Court held that in service matter PILs should not be entertained, the inflow of so-called PILs involving service matters continues unabated in the Courts and strangely are entertained. The least the High Courts could do is to throw them out on the basis of the said decision."

In view of the aforesaid binding principle which has been enunciated by the Supreme Court, we are of the view that this petition under Article 226 cannot be entertained as a PIL. The petition is accordingly dismissed.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD,

J.